

Message Text

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ACTION L-03

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STATE FOR L/EUR - MR. RUSSELL

E.O. 11652: N/A

TAGS: CPRS, BGEN, BE

SUBJECT: AMERICAN LAWYERS IN BELGIUM CONTINUE TO HAVE
DIFFICULTIES

REF: BRUSSELS A-240

1. AMERICAN LAW FIRMS ACTIVE IN BELGIUM HAVE HAD SEVERAL YEARS OF DIFFICULTY WITH THE BRUSSELS BAR AND THE BELGIAN MINISTRY OF THE MIDDLE CLASSES. THE BRUSSELS BAR WISHES VERY STRICTLY TO LIMIT THE SERVICES WHICH AMERICAN LAW FIRMS CAN OFFER IN BRUSSELS AND HAS FROM TIME TO TIME CONVINCED THE MINISTRY OF THE MIDDLE CLASSES TO ISSUE RESTRICTIONS ON AMERICAN LAWYERS WORKING FOR AMERICAN LAW FIRMS IN BRUSSELS. THIS EMBASSY HAS ON SEVERAL OCCASIONS INTERVENED WITH THE BELGIAN GOVERNMENT TO PROTECT THE RIGHTS OF THESE LAWYERS.

2. IN EARLY FEBRUARY, TWO LONG-ESTABLISHED AMERICAN LAWYERS WITH AMERICAN FIRMS IN BRUSSELS RECEIVED IDENTICAL LETTERS (INFORMAL EMBASSY TRANSLATION SENT AS BRUSSELS 844). THESE LETTERS IMPOSE RESTRICTIONS ON THE LAWYERS WHICH WE BELIEVE WARRANT FORMAL PROTEST BY THIS EMBASSY TO THE GOB.

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3. THE KEY RESTRICTION IMPOSED IN THE LETTERS IS THAT

IN WHICH THE LAWYERS ARE PROHIBITED FROM GIVING ANY
ADVICE ON QUESTIONS OF BELGIAN LAW (PARA B-1, BRUSSELS 844).
SINCE THE BULK OF THE WORK OF THESE FIRMS IS IN ADVISING
AMERICAN COMPANIES IN BELGIUM ABOUT BELGIAN LAW AND ITS
RELATION TO AMERICAN AND OTHER LEGAL SYSTEMS (E.G.
TAXATION, CORPORATE RESPONSIBILITY, ETC.) THIS
RESTRICTION, IF IMPLEMENTED, WOULD LEAD TO THE CLOSING
OF MOST AMERICAN LAW OFFICES IN BRUSSELS.

4. WE HAVE THIS WEEK DISCUSSED THIS RESTRICTION WITH
THE OFFICE OF THE MINISTER OF THE MIDDLE CLASSES BUT
WITHOUT SUCCESS. WE PLAN TO RAISE THE MATTER AT A HIGH
WORKING LEVEL IN THE MINISTRY OF FOREIGN AFFAIRS ON
FEBRUARY 11, AND WISH TO FOLLOW-UP WITH A FORMAL DEMARCHE.

5. ACTION REQUESTED: THE DEPARTMENT'S CONCURRENCE IS
REQUESTED FOR US TO MAKE A FORMAL DEMARCHE AT THE
FOREIGN MINISTRY. SUGGESTED WORDING FOR AN ACCOMPANYING
NOTE OR AIDE-MEMOIRE IS ALSO REQUESTED. WE ASSUME
THAT ARGUMENTATION BASED, AT LEAST PARTIALLY, ON PARAGRAPH
TWO OF ARTICLE FOUR OF THE BELGO-AMERICAN TREATY
OF FRIENDSHIP, COMMERCE AND NAVIGATION WOULD BE APPROPRIATE.
THE POSITION OF "ACQUIRED RIGHTS" IS VERY STRONG IN
BELGIAN JURISPRUDENCE. STRAUSSZ-HUPE

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